*IN THE HIGH COURT OF ANDHRA PRADESH*
*AT HYDERABAD*

**W.P.No.26554 of 2000**

Between:

P.Sadasiva Reddy

..Petitioner

and

The Secretary, R.T.A., Chittoor

..Respondent

***THE HONOURABLE SRI JUSTICE***
***A.GOPAL REDDY***

**W.P.No.26554 of 2000**

**Oral Order:**

The writ petitioner, who is the holder of Stage Carriage permit on the town service route B.Kothakota to Valasagunta Palli vide permit No.PSP/6/91 which is valid upto 04-03-2001 and covered by vehicle No. AP 03T 8687 made a representation for replacement of the vehicle with another vehicle bearing No. KA-01-4249 to the respondent, who by impugned Memo Rc.No.28343/A1/2000 dated 27-12-2000 informed the petitioner that the financier—M/s Gumam Finance, Chennai, filed an objection requesting them not to effect any transaction in respect of bus AP 03T 8687 of the petitioner, as the vehicle was covered by Hire Purchase Agreement. In view of the same, petitioner was called upon to obtain No Objection Certificate from the financier to consider his application for replacement of the vehicle.

In response to Rule Nisi respondent filed a counter stating that in obedience to the interim order passed by this Court in WPMP.No.33762 of 2000 dated 29-12-2000 replacement was effected on 24-01-2001 and impugned memo was issued in view of objection filed by the financier.

Section 83 of the Motor Vehicles Act authorizes replacement of the vehicle covered by the permit by any other vehicle of the same nature. The only objection filed by the financier is not to effect any transaction contrary to the hire purchase agreement but not replacement of the vehicle covered by permit. In view of the same, impugned order passed by the respondent cannot be sustainable and

it is accordingly set aside.

The writ petition is accordingly allowed. No costs.

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A.GOPAL REDDY, J.

25-07-2007

***Murthy***